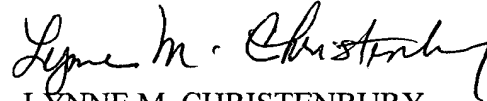


the above-identified applications of which priority is claimed and a Petition for a Three (3) Month Extension of Time.

Please charge any fees which are required in connection with the filing of this Preliminary Amendment, Extension of Time and Information Disclosure Statement to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company). If the fee is insufficient or incorrect, please charge or credit the balance to the above-identified deposit account.

Respectfully submitted,



LYNNE M. CHRISTENBURY  
ATTORNEY FOR APPLICANTS  
REGISTRATION NO. 30,971  
TELEPHONE: (302) 992-5481  
FACSIMILE: (302) 892-1026

Dated: Dec 20, 2001

10027415-122001

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In showing the changes, deleted material is shown as bracketed, and inserted material is shown underlined.

**IN THE SPECIFICATION:**

Kindly insert the following on page 11 after line 31:

**BIOLOGICAL DEPOSIT**

Cultures of the following biological materials have been deposited with the following international depository(ies):

American Type Culture Collection (ATCC)  
10801 University Boulevard, Manassas, VA 20110-2209, U.S.A.

under conditions that satisfy the requirements of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

<u>Identification of Organism</u>	<u>International Depository Accession</u>	<u>Date of Deposit</u>
	<u>Number</u>	
<u>Corn Kernels; Kernels of <i>Zea mays</i> L., B73ol</u>	<u>97026</u>	<u>January 19, 1995</u>
<u>Corn Kernels; Kernels of <i>Zea mays</i> L., AEC27-2ol</u>	<u>97027</u>	<u>January 19, 1995</u>
<u>Corn Kernels; Kernels of <i>Zea mays</i> L., ASKC28ol</u>	<u>97042</u>	<u>January 27, 1995</u>

**IN THE CLAIMS**

Kindly cancel claims 2-8 and 10-34.

Kindly amend the following claim:

9. (once amended) A high oleic corn inbred line designated AEC272OL which bears [the] ATCC accession number 97027.

Kindly add the following new claims:

35. (new) Seed of the corn inbred line designated AEC272OL which bears ATCC accession number 97027.

36. Progeny plants and plant parts produced from any pedigree derived from the corn line of claim 9 wherein said plants and plant parts have high oleic characteristics of high oleic corn inbred line designated AEC272OL which bears ATCC accession number 97027.

4027416-42001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

KENNETH JOSEPH LETO ET AL.

CASE NO.: BB1057 US CNT

APPLICATION NO.: ~~UNKNOWN~~ 10/027,416GROUP ART UNIT: ~~UNKNOWN~~ 163AFILED: ~~CONCURRENTLY HEREWITH~~ 12/20/01EXAMINER: ~~UNKNOWN~~ Fox

FOR: CORN PLANTS AND PRODUCTS WITH IMPROVED OIL COMPOSITION

DECLARATION OF BIOLOGICAL CULTURE DEPOSITAssistant Commissioner for Patents  
Washington, DC 20231

Sir:

I, LYNNE M. CHRISTENBURY, declare that:

I am an attorney/agent of record for the owner of the above-identified application.

Cultures of the following biological materials have been deposited with the following international depository(ies):

American Type Culture Collection (ATCC)  
10801 University Blvd., Manassas, VA 20110-2209, U.S.A.

under conditions that satisfy the requirements of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. A copy of the receipt issued pursuant to Rules 7.3 and 10.2 (stating the term of the deposit) is attached.

<u>Depositor's Identification of Organism</u>	<u>International Depository Accession Number</u>	<u>Date of Deposit</u>
Corn Kernels; Kernels of Zea mays L.,B73ol	97026	January 19, 1995
Corn Kernels; Kernels of Zea mays L.,AEC27-2ol	97027	January 19, 1995
Corn Kernels; Kernels of Zea mays L.,ASKC28 ol	97042	January 27, 1995

10027416-122001

I further aver that all restrictions on the availability to the public of the culture will be irrevocably removed upon the granting of a U.S. patent on the above-identified application.

Respectfully submitted,



LYNNE M. CHRISTENBURY  
ATTORNEY FOR APPLICANTS  
REGISTRATION NO. 30,971  
TELEPHONE: 302-992-5481  
FACSIMILE: 302-892-1026

Dated: Dec 20, 2001

Enclosure: Deposit Receipt

10027415-122001



RECEIVED  
MAR 15 1995  
B.W.M.

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

DuPont Company  
Attn: Doris Behnke  
Agricultural Products Department  
Biotechnology Division  
Stine-Haskell Research Center  
Newark, DE 19714

Deposited on Behalf of: E.I. du Pont de Nemours & Company

Identification Reference by Depositor:

ATCC Designation

Corn Kernels; Kernels of *Zea mays* L., B73ol  
Corn Kernels; Kernels of *Zea mays* L., AEC27-2ol

97026  
97027

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description  
indicated above.

The deposits were received January 19, 1995 by this International Depository Authority and have  
been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right  
to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States  
Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your  
responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years after the date of deposit, and for a period  
of at least five years after the most recent request for a sample. The United States and many other  
countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested January 26, 1995. On that date, the seeds were  
viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Annette L. Bade, Director, Patent Depository

Date: January 20, 1995

cc: Bruce Morrissey, Esq.



RECEIVED  
MAR 20 1995  
B.W.M.

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

E.I. DuPont de Nemours & Company  
Attn: Doris Behnke  
Agricultural Products Department, Biotechnology Division  
Stine-Haskell Research Center  
Bldg. 210N, Rm. 254, Elkton Road  
Newark, DE 19714

Deposited on Behalf of: E.I. DuPont de Nemours & Company

Identification Reference by Depositor:

ATCC Designation

Corn Kernels; Kernels of *Zea mays* L., ASKC2801

97042

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received January 27, 1995 by this International Depository Authority and have been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested February 6, 1995. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

  
Annette L. Bade, Director, Patent Depository

Date: February 7, 1995

✓ cc: Bruce Morrissey, Esq.